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10/625,020

07/23/2003

Kevin L. Parsons

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24628 7590 10/22/2008

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EXAMINER

PIERCE, WILLIAM M

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

10/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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KEVIN L. PARSONS

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Application No. 10/625,020  
Technology Center 3700

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Mailed: October 21, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on August 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

A review of the file indicates that the appellant filed a “TERMINAL DISCLAIMER” on January 8, 2007. However, there is no indication that the Examiner considered the Terminal Disclaimer January 8, 2007.

Also, on January 14, 2008, appellant filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner’s answer responding to any new issue raised in the reply brief.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

- 1) for consideration and proper response to the “TERMINAL DISCLAIMER” filed on January 8, 2007;
- 2) for consideration and proper response to the Reply Brief filed January 14, 2008, and
- 3) for such further action as may be appropriate.

Application No. 10/625,020

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/gjh

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